

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD J. TESTA, JR., Individually,  
and on behalf of all others similarly situated,

Plaintiff,

vs.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC., JOHN DOES 1-50 (said names  
being fictitious individuals), and ABC  
CORPORATIONS 1-50 (said names being  
fictitious companies, partnerships, joint  
ventures and/or corporations),

Defendants.

Civil Action No. 07-cv-08320 (AKH)  
ECF Case

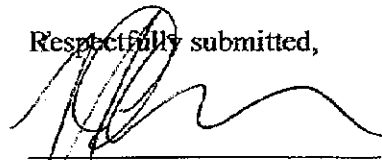
**NOTICE OF APPEARANCE**

To the Clerk of the Court and all parties of record::

Kenneth A. Elan, a member in good standing in this Court, hereby enters his appearance  
as counsel of record on behalf of Plaintiff Richard J. Testa, Jr. in the above captioned matter.

Dated: New York, New York  
November 16, 2007

Respectfully submitted,



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